



OVERSIGHT AND
COMPLIANCE

OFFICE OF THE DEPUTY CHIEF MANAGEMENT OFFICER
9010 DEFENSE PENTAGON
WASHINGTON, DC 20301-9010

APR 14 2015

MEMORANDUM FOR COMMITTEE MANAGEMENT SECRETARIAT
GENERAL SERVICES ADMINISTRATION

SUBJECT: Charter and Membership Balance Plan Consultation – *Reserve Forces Policy Board*

The Department of Defense, pursuant to the Federal Advisory Committee Act of 1972, as amended, intends to renew the charter for the *Reserve Forces Policy Board* (attached). The Board will operate under the provisions of the Federal Advisory Committee Act of 1972, as amended and in accordance with 41 CFR § 102-3.50.

Prior to filing the Board's charter with the Library of Congress and the appropriate congressional committees the Department of Defense respectively requests that the Committee Management Secretariat review and approve the proposed charter and membership balance plan (attached). Both documents has been reviewed and approved by the Office of the General Counsel for the Department of Defense.

If you should have any questions about this charter please contact my point of contact, Len O'Reilly, at 703-692-5949.

James D. Freeman II
Advisory Committee Management
Officer for the Department of Defense

Attachments
Proposed Charter
Proposed Membership Balance Plan

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1. Committee's Official Designation: The committee will be known as the Reserve Forces Policy Board ("the Board").
2. Authority: The Secretary of Defense, pursuant to 10 U.S.C. §§ 175 and 10301 and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(a), established the Board.
3. Objectives and Scope of Activities: Pursuant to 10 U.S.C. § 113(c)(2), the Board shall provide to the Secretary of Defense, for transmittal to the President and the Congress, an annual report on any reserve component matters that the Board considers appropriate to include, as set out in paragraph four below.
4. Description of Duties: The Board shall serve as an independent adviser to the Secretary of Defense to provide advice and recommendations on strategic, policies, and practices designed to improve and enhance the capabilities, efficiency, and effectiveness of the reserve components. The Board may act on matter referred to it by the Chairperson and on any matter raised by a member of the Board or the Secretary of Defense.
5. Agency or Official to Whom the Committee Reports: The Board reports to the Secretary of Defense and/or the Deputy Secretary of Defense, through the USD(P&R). The USD(P&R), pursuant to DoD policy, may act upon the Board's advice and recommendations.
6. Support: The DoD, through the Office of the USD(P&R), provides support, as deemed necessary, for the Board's performance and functions, and ensures compliance with the requirements of the FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b, as amended) ("the Sunshine Act"), governing Federal statutes and regulations, and established DoD policies and procedures.
7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating cost, to include travel, meetings, and contract support, is approximately \$1,210,000. The estimated annual personnel cost to the DoD is 8.3 full-time equivalents.
8. Designated Federal Officer: The Board's Designated Federal Officer (DFO) must be a full-time or permanent part-time DoD officer or employee, appointed in accordance with established DoD policies and procedures.

The Board's DFO is required to attend all meetings of the Board and its subcommittees for the entire duration of each and every meeting. However, in the absence of the Board's DFO, a properly approved Alternate DFO, duly appointed to the Board according to established DoD policies and procedures, must attend the entire duration of all meetings of the Board and its subcommittees.

The DFO, or the Alternate DFO, calls all meetings of the Board and its subcommittees; prepares and approves all meeting agendas; and adjourns any meeting when the DFO, or the Alternate DFO, determines adjournment to be in the public interest or required by governing regulations or DoD policies and procedures.

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9. Estimated Number and Frequency of Meetings: The Board meets at the call of the Board's DFO, in consultation with the Board's Chairperson. The estimated number of Board meetings is four per year.
10. Duration: Pursuant to 10 U.S.C. §§ 175 and 10301, the need for this advisory function is on a continuing basis; however, this charter is subject to renewal every two years.
11. Termination: The Board terminates upon rescission of 10 U.S.C. §§ 175 and 10301.
12. Membership and Designation: Under the provisions of 10 U.S.C. 10301(c), the Board shall be composed of 20 members, appointed or designated as follows:
 - a. A civilian appointed by the Secretary of Defense from among persons determined by the Secretary to have the knowledge of, and experience in, policy matters relevant to national security and reserve component matters necessary to carry out the duties of Chair of the Board, who shall serve as Chair of the Board.
 - b. Two active or retired reserve officers or enlisted members designated by the Secretary of Defense, upon the recommendation of the Secretary of the Army:
 - 1) One of whom shall be a member of the Army National Guard of the United States or a former member of the Army National Guard of the United States in the Retired Reserve; and,
 - 2) One of whom shall be a member or retired member of the Army Reserve.
 - c. Two active or retired reserve officers or enlisted members designated by the Secretary of Defense, upon the recommendation of the Secretary of the Navy:
 - 1) One of whom shall be an active or retired officer of the Navy Reserve; and,
 - 2) One of whom shall be an active or retired officer of the Marine Corps Reserve.
 - d. Two active or retired reserve officers or enlisted members designated by the Secretary of Defense, upon the recommendation of the Secretary of the Air Force:
 - 1) One of whom shall be a member of the Air National Guard of the United States or a former member of the Air National Guard of the United States in the Retired Reserve; and,
 - 2) One of whom shall be a member or retired member of the Air Force Reserve.
 - e. One active or retired reserve officer or enlisted member of the U.S. Coast Guard designated by the Secretary of Homeland Security.
 - f. Ten persons appointed or designated by the Secretary of Defense, each of whom shall be a United States citizen having significant knowledge of, and experience in, policy matters

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relevant to national security and reserve component matters and shall be one of the following:

- 1) An individual not employed in any Federal or State department or agency.
 - 2) An individual employed by a Federal or State department or agency.
 - 3) An officer of a regular component of the armed forces on active duty, or an officer of a reserve component of the armed forces in an active status, who:
 - a. Is serving or has served in a senior position on the Joint Staff, the headquarters staff of a Combatant Command, or the headquarters staff of an armed force; and,
 - b. Has experience in joint professional military education, joint qualification, and joint operations matters.
- g. A reserve officer of the Army, Navy, Air Force, or Marine Corps, who is a general or flag officer, recommended by the Chair and designated by the Secretary of Defense, who shall serve without vote:
- 1) As military adviser to the Chair;
 - 2) As military executive officer of the Board; and,
 - 3) As supervisor of the operations and staff of the Board.
- h. A senior enlisted member of a reserve component recommended by the Chair and designated by the Secretary of defense, who shall serve without vote as enlisted military adviser to the Chair.

Each member, based upon his or her individual professional experience, provides his or her best judgment on the matters before the Board, and he or she does so in a manner that is free from conflict of interest. Board members who are not full-time or permanent part-time Federal officers or employees, will be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as special government employee (SGE) members. Board members who are full-time or permanent part-time Federal officers or employees will serve as regular government employee (RGE) members pursuant to 41 C.F.R. § 102-3.130(a). Members of the Board shall serve a term of service of one-to-four years, and their appointments must be renewed by the Secretary of Defense on an annual basis. No member may serve more than two consecutive terms of service without Secretary of Defense or Deputy Secretary of Defense approval.

Board members are not compensated for service on the Board, but each member is reimbursed for travel and per diem as it pertains to official business of the Board.

13. Subcommittees: DoD, when necessary and consistent with the Board's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Board. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the USD(P&R), as the Board's Sponsor.

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Such subcommittees will not work independently of the Board and will report all of their recommendations and advice solely to the Board for full and open deliberation and discussion. Subcommittees, task forces, or working groups have no authority to make decisions and recommendations, verbally or in writing, on behalf of the Board. No subcommittee or any of its members can update or report, verbally or in writing, on behalf of the Board, directly to the DoD or any Federal officers or employees.

Each member, based upon his or her individual professional experience, provides his or her best judgment on the matters before the Board, and he or she does so in a manner that is free from conflict of interest. All subcommittee members will be appointed by the Secretary of Defense or the Deputy Secretary of Defense to a term of service of one-to-four years, with annual renewals, even if the individual in question is already a member of the Board. Subcommittee member will not serve more than two consecutive terms of service, unless authorized by the Secretary of Defense or the Deputy Secretary of Defense. Subcommittee members who are not full-time or permanent part-time Federal officers or employees will be appointed as an expert or consultant pursuant to 5 U.S.C. § 3109, to serve as a SGE member. Subcommittee members who are full-time or permanent part-time Federal officers or employees will be appointed pursuant to 41 C.F.R. § 102-3.130(a), to serve as a RGE member. With the exception of reimbursement of official travel and per diem related to the Board or its subcommittees, subcommittee members will serve without compensation.

All subcommittees operate under the provisions of FACA, the Sunshine Act, governing Federal statutes and regulations, and established DoD policies and procedures.

Currently, DoD has approved three permanent subcommittees to the Board. The subcommittees will have no more than 15 members and will normally meet once per quarter. A subcommittee Chairperson will be appointed by the Secretary of Defense. The three permanent subcommittees and their missions are:

- a. Subcommittee on Enhancing DoD's Role in the Homeland is focused on improving the capability and capacity of the reserve component to address the increasing threats to the homeland.
- b. Subcommittee on Ensuring a Ready, Capable, Available, and Sustainable Operational Reserve is focused on retaining the operational capability and experience within the reserve component to meet future threats.
- c. Subcommittee on Supporting and Sustaining Reserve Component Personnel assess whether the current Service member, families, and employers programs and policies are meeting the needs of an operational reserve.

14. Recordkeeping: The records of the Board and its subcommittees shall be handled according to Section 2, General Records Schedule 26 and governing DoD policies and procedures. These records will be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. § 552, as amended).

15. Filing Date:

Membership Balance Plan
Reserve Forces Policy Board

Agency: Department of Defense (DoD)

1. Authority: The Secretary of Defense, pursuant to 10 U.S.C. §§ 175 and 10301 and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(a), established the Reserve Forces Policy Board ("the Board").
2. Mission/Function: Pursuant to 10 U.S.C. § 113(c)(2), the Board shall provide to the Secretary of Defense, for transmittal to the President and the Congress, an annual report on any reserve component matter that the Board considers appropriate to include.

The Board shall serve as an independent adviser to the Secretary of Defense to provide advice and recommendations on strategies, policies, and practices designed to improve and enhance the capabilities, efficiency, and effectiveness of the reserve components. The Board may act on those matters referred to it by the Chair and on any matters raised by a member of the Board of the Secretary of Defense.

3. Points of View: The Board, pursuant to 10 U.S.C. 10301(c), shall consist of 20 members, appointed or designated as follows:
 - a. A civilian appointed by the Secretary of Defense from among persons determined by the Secretary to have the knowledge of, and experience in, policy matters relevant to national security and reserve component matters necessary to carry out the duties of Chair of the Board, who shall serve as Chair of the Board.
 - b. Two active or retired reserve officers or enlisted members designated by the Secretary of Defense, upon the recommendation of the Secretary of the Army:
 - 1) One of whom shall be a member of the Army National Guard of the United States or a former member of the Army National Guard of the United States in the Retired Reserve; and,
 - 2) One of whom shall be a member or retired member of the Army Reserve.
 - c. Two active or retired reserve officers or enlisted members designated by the Secretary of Defense, upon the recommendation of the Secretary of the Navy:
 - 1) One of whom shall be an active or retired officer of the Navy Reserve; and,
 - 2) One of whom shall be an active or retired officer of the Marine Corps Reserve.
 - d. Two active or retired reserve officers or enlisted members designated by the Secretary of Defense, upon the recommendation of the Secretary of the Air Force:

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- 1) One of whom shall be a member of the Air National Guard of the United States or a former member of the Air National Guard of the United States in the Retired Reserve; and,
 - 2) One of whom shall be a member or retired member of the Air Force Reserve.
- e. One active or retired reserve officer or enlisted member of the U.S. Coast Guard designated by the Secretary of Homeland Security.
- f. Ten persons appointed or designated by the Secretary of Defense, each of whom shall be a United States citizen having significant knowledge of, and experience in, policy matters relevant to national security and reserve component matters and shall be one of the following:
- 1) An individual not employed in any Federal or State department or agency.
 - 2) An individual employed by a Federal or State department or agency.
 - 3) An officer of a regular component of the armed forces on active duty, or an officer of a reserve component of the armed forces in an active status, who:
 - a. Is serving or has served in a senior position on the Joint Staff, the headquarters staff of a Combatant Command, or the headquarters staff of an armed force; and,
 - b. Has experience in joint professional military education, joint qualification, and joint operations matters.
- g. A reserve officer of the Army, Navy, Air Force, or Marine Corps, who is a general or flag officer, recommended by the Chair and designated by the Secretary of Defense, who shall serve without vote:
- 1) As military adviser to the Chair;
 - 2) As military executive officer of the Board; and,
 - 3) As supervisor of the operations and staff of the Board.
- h. A senior enlisted member of a reserve component recommended by the Chair and designated by the Secretary of defense, who shall serve without vote as enlisted military adviser to the Chair.

Each member, based upon his or her individual professional experience, provides his or her best judgment on the matters before the Board, and he or she does so in a manner that is free from conflict of interest. Board members who are not full-time or permanent part-time Federal officers or employees, will be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as special government employee (SGE) members. Board members who are full-time or permanent part-time Federal officers or employees will serve as regular government employee (RGE) members pursuant to 41 C.F.R. § 102-3.130(a). Members of the Board shall serve a term of service of one-to-four years, and their appointments must be

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renewed by the Secretary of Defense on an annual basis. No member may serve more than two consecutive terms of service without Secretary of Defense or Deputy Secretary of Defense approval.

Board members are not compensated for service on the Board, but each member is reimbursed for travel and per diem as it pertains to official business of the Board.

4. Other Balance Factors: NA
5. Candidate Identification Process: Based on statutory requirements in the Board's authorizing statute, the Department of Defense (DoD) uses different candidate identification processes when identifying potential Board members.

The Under Secretary of Defense for Personnel and Readiness (USD(P&R)), in consultation with senior Defense leaders, identifies potential candidates to serve as the Board's Chair. Once identified, the USD(P&R) will recommend candidates for consideration by the Secretary of Defense according to established DoD procedures.

The DFO, on behalf of Chair, will request candidates for the Board's Military Executive and Military Enlisted Advisor from the Military Services. Once identified, the Chair will interview each nominee and make a final recommendation to the Secretary of Defense according to established DoD procedures.

With regard to the 10 members required by 10 U.S.C. § 10301(c)(6), the DFO, will identify potential candidates to serve on the Board. When identifying potential candidates, the DFO, WILL also consult with senior Defense officials, members of the Board, and the Board's professional staff. Once identified, the USD(P&R) forwards the recommended nominees to the Secretary of Defense according to established DoD procedures.

The Secretary of Homeland Security will select one active or retired reserve officer or enlisted member of the U.S. Coast Guard for appointment to the Board. The selection and approval process by the Secretary of Homeland Security will be according to established department of Homeland Security procedures, and is not subject to further approval by the Secretary of Defense.

When considering potential candidates for appointment by the Secretary of Defense, the Secretaries of the Military Departments, the USD(P&R), and the Chair will evaluate potential candidates based on the criteria in 10 U.S.C. § 10301(c) and FACA requirements predicated upon the vacancy in question, while striving to achieve a balance between the professional credentials of the individuals and the Board's statutory experience requirements. Potential candidates will be further evaluated in accordance with DoD policies and procedures, which include compliance with the prohibition against lobbyists. Prior to nominating the potential candidates, the list of candidates will undergo a review by the Office of the General Counsel for the Department of Defense and the Advisory Committee Management Officer (ACMO) to ensure compliance with Federal and DoD governance requirements, including compliance with the Board's charter and membership balance plan. Following this review, the

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USD(P&R) discusses his or her potential nominees with the Secretary of Defense or the Deputy Secretary of Defense and receives authority to proceed with the individual's nomination.

Pursuant to DoD policy, only the Secretary or the Deputy Secretary of Defense can invite or approve the appointment of individuals to serve on DoD established or supported advisory committees and subcommittees. The Secretary of Defense or the Deputy Secretary of Defense may approve the appointment of members to the Board, to include its subcommittees, for one-to-four year terms of service, with annual renewals. However, no member, unless authorized by the Secretary of Defense or the Deputy Secretary of Defense, may serve more than two consecutive terms of service on the Board, to include its subcommittees. The USD(P&R), as the Board's Sponsor, in consultation with the ACMO, is authorized to administratively certify the appointment of Board members that were previously approved by the Secretary or Deputy Secretary of Defense. Consistent with Deputy Secretary of Defense policy and the authority delegated to the ACMO by the Assistant Deputy Chief Management Officer (ADCMO), the ACMO is authorized to administratively certify the annual renewal of appointment of Board members.

Following approval or authorization to proceed with the appointment by the Secretary of Defense or the Deputy Secretary of Defense, the candidates are required to complete the necessary appointment paperwork, to include meeting ethics requirements stipulated by the Office of Government Ethics for advisory committee members who are appointed as SGE members.

Membership vacancies for the Board and its subcommittees will be filled in the same manner as described in the previous nine paragraphs above.

6. Subcommittee Balance: DoD, when necessary and consistent with the Board's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Board.

Currently, DoD has approved three permanent subcommittees to the Board. The subcommittees will have no more than 15 members and will normally meet once per quarter. A subcommittee Chairperson will be appointed by the Secretary of Defense. The three permanent subcommittees and their missions are:

- a. Subcommittee on Enhancing DoD's Role in the Homeland is focused on improving the capability and capacity of the reserve component to address the increasing threats to the homeland.
- b. Subcommittee on Ensuring a Ready, Capable, Available, and Sustainable Operational Reserve is focused on retaining the operational capability and experience within the reserve component to meet future threats.
- c. Subcommittee on Supporting and Sustaining Reserve Component Personnel assess whether the current Service member, families, and employers programs and policies are meeting the needs of an operational reserve.

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The Secretary of Defense or the Deputy Secretary of Defense approves the appointment of subcommittee members in the same manner as members of the Board, for a term of service of one-to-four years, with annual renewals. Individuals considered for appointment to any subcommittee of the Board may come from the Board itself or from new nominees, as recommended by the USD(P&R) and based upon the subject matters under consideration.

Consistent with DoD policy, the (USD(P&R) as the Board's Sponsor, in consultation with the ACMO, is authorized to administratively certify the appointment of subcommittee members previously approved for appointment to the Board or any other DoD advisory committee by the Secretary or Deputy Secretary of Defense. If the prospective subcommittee member is not a member of the Board or another DoD advisory committee, then the USD(P&R) will obtain approval or authority to proceed with the appointment in the same manner required of Board members. All individual subcommittee member appointments must be approved in writing according to DoD policy and procedures. Candidates are required to complete the necessary appointment paperwork, to include meeting any ethics requirements stipulated by the Office of Government Ethics for advisory committee members, before the subcommittee members may engage in any subcommittee work.

Subcommittee members, if not full-time or permanent part-time Federal officers or employees, shall be appointed as experts or consultants, pursuant to 5 U.S.C. § 3109, to serve as SGE members. Those individuals who are not full-time or permanent part-time Federal officers or employees shall serve as RGE members pursuant to 41 C.F.R. § 102-3.130(a). No subcommittee member may serve more than two consecutive terms of service without the Secretary of Defense or the Deputy Secretary of Defense approval.

7. Other: As nominees are considered for appointment to the Board, the DoD adheres to the Office of Management and Budget's Revised Guidance on Appointment of Lobbyists to Federal Committees, Boards, and Commissions (79 FR 27482; August 13, 2014) and the rules and regulations issued by the Office of Government Ethics.
8. Date Prepared/Updated: